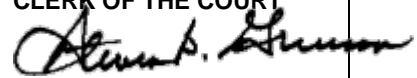


# EXHIBIT A

**COMP**

Anthony M. Paglia  
Nevada Bar No. 11234  
Chandler R. Keeton  
Nevada Bar No. 15940  
**ANTHONY PAGLIA INJURY LAWYER, LTD**  
5358 S. Eastern Ave  
Las Vegas, NV 89119  
Tel: 702.830.7070  
Fax: 702.522.0504  
Email: chandler@anthonypaglia.com

CASE NO: A-21-845018-C  
Department 15

Attorneys for Plaintiff, JOVANNI OSEGUERA

**EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

JOVANNI OSEGUERA, an individual,

Plaintiff,

v.

POSTMATES, LLC; POSTMATES, INC.;  
TIMOTHY ALLEN VANDYKE; and  
DOES 1 through 10 inclusive, and ROE  
CORPORATIONS 1 – 10 inclusive.

Defendants,

**CASE NO.:**

**Dept:**

**COMPLAINT and DEMAND FOR JURY  
TRIAL**

**EXEMPT FROM ARBITRATION (Amount  
in controversy exceeds \$50,000)**

COMES NOW, Plaintiff JOVANNI OSEGUERA, by and through his counsel of record  
CHANDLER R. KEETON of ANTHONY PAGLIA INJURY LAWYER, and for his causes of  
action against the Defendants allege as follows:

**PARTIES AND JURISDICTION**

1. That Plaintiff, JOVANNI OSEGUERA, (hereinafter “OSEGUERA” or  
“Plaintiff”), is now, and at all times herein has been a resident of the state of Nevada.

1           2.       Plaintiff is informed, believes and thereon alleges that at all times relevant to  
2 these proceedings, Defendant POSTMATES, LLC, (hereinafter "POSTMATES"), was a foreign  
3 limited-liability company, operating and doing business within the State of Nevada, County of  
4 Clark.

5           3.       Plaintiff is informed, believes and thereon alleges that at all times relevant to  
6 these proceedings, Defendant POSTMATES, INC, (hereinafter "POSTMATES"), was a foreign  
7 corporation, operating and doing business within the State of Nevada, County of Clark.

8           4.       Plaintiff is informed, believes and thereon alleges that at all times relevant to  
9 these proceedings, Defendant TIMOTHY ALLEN VANDYKE was and is a resident of the  
10 County of Clark, State of Nevada.

11          5.       At all times relevant hereto, Defendant TIMOTHY ALLEN VANDYKE was  
12 employed by POSTMATES and was acting in the course and scope of his employment with  
13 POSTMATES.

14          6.       Pursuant to NRCP 10(a) and *Nurenberger Hercules-Werke GMBH v. Virotek*,  
15 107 Nev. 873, 822 P.2d 1100 (1991), the true names and capacities, whether individual,  
16 corporate, associate or otherwise of Defendants named herein as DOE EMPLOYEES I through  
17 X and DOES I through X, and ROE CORPORATIONS I through X, are unknown to Plaintiff,  
18 who, therefore, sues said Defendants by said fictitious names. Upon information and belief, these  
19 DOE and ROE Defendants, and each of them, are responsible in some manner for the events and  
20 happenings upon which this action is premised, or of similar actions directed against Plaintiff  
21 about which Plaintiff is presently unaware, and which directly and proximately caused injury and  
22 damages to Plaintiff as herein alleged. DOE and ROE Defendants include, but are not limited to  
23 employees, independent contractors, subcontractors, suppliers and/or drivers. Plaintiff will ask  
24 leave of this Court to amend his Complaint to insert the true names and capacities of, DOE  
25 EMPLOYEES I through X, DOES I through X, and ROE ENTITIES I through X, when the  
26 same have been ascertained and to join such Defendants in this action.

27          7.       Such DOES and ROE CORPORATIONS, include, but are not limited to the  
28 predecessors and successors in the interest of Defendants, and each of them.

1           8.       That Defendants, and each of them, include the subsidiaries, parent companies,  
2 successors and predecessors in interest, assignees, alter egos, or otherwise, and are liable for the  
3 liabilities of Defendants and each of them.

4           9.       That Defendants at all times herein mentioned, all of the Defendants were the  
5 agents, servants and employees of each and every other Defendant and were working and acting  
6 within the course of said employment and agency.

7           10.      This Court has jurisdiction over Defendants because Defendants were traveling in  
8 Clark County, Nevada at the time of the subject collision and the individual Defendants live in  
9 Clark County, Nevada. Moreover, all Defendants have had such minimum contacts with the  
10 state of Nevada so as to grant this Court jurisdiction over them, whether generally, or as a  
11 specific result of the facts giving rise to this complaint. Further, this case involves damages  
12 exceeding \$15,000.00. Venue is proper, as the subject collision and conduct of Defendant  
13 occurred within Clark County in the state of Nevada.

14          11.      That on or about November 6, 2019, Plaintiff JOVANNI OSEGUERA was a  
15 driver of a 2007 Lexus ES 350 which was owned by TARA RAMIREZ, who was a passenger in  
16 the vehicle.

17          12.      Also on November 6, 2019, Defendant TIMOTHY ALLEN VANDYKE was the  
18 driver of a 2005 Dodge Ram Pickup.

19          13.      At said time and place, Defendant TIMOTHY ALLEN VANDYKE was in the  
20 course and scope of his employment, partnership, association and/or agency with POSTMATES.

21          14.      That the vehicle in which JOVANNI OSEGUERA was in was traveling  
22 southbound on Dean Martin Drive.

23          15.      That TIMOTHY ALLEN VANDYKE failed to properly yield at a stop sign,  
24 pulled out, failed to yield the right of way causing a collision with JOVANNI OSEGUERA'S  
25 vehicle.

26          16.      The force and impact caused by TIMOTHY ALLEN VANDYKE'S vehicle  
27 caused it to roll over and land on top of TARA RAMIREZ's vehicle.

28          17.      TARA RAMIREZ's vehicle then hit the concrete barrier causing its left rear

1 wheel to come off.

2 18. The collision caused Plaintiff to suffer serious, debilitating and permanent  
3 injuries.

4  
5 **FIRST CLAIM FOR RELIEF**

6 **(NEGLIGENCE Against All DEFENDANTS)**

7 19. Plaintiff incorporates by reference the allegations contained in previous  
8 paragraphs as though set forth fully herein.

9 20. Defendant, TIMOTHY ALLEN VANDYKE, owed Plaintiff a duty of reasonable  
10 and ordinary care to ensure that his operation of the vehicle was not in a negligent, careless,  
11 reckless, or wanton manner.

12 21. Defendant, TIMOTHY ALLEN VANDYKE, failed to exercise reasonable care  
13 while driving and so negligently, carelessly and recklessly controlled the vehicle he was driving  
14 when he failed to yield the right of way so as to cause a collision with the vehicle driven by  
15 Plaintiff, JOVANNI OSEGUERA.

16 22. That Defendant, TIMOTHY ALLEN VANDYKE's breach was the actual and  
17 proximate cause of Plaintiff's injuries and damages.

18 23. That Defendants POSTMATES are vicariously liable to Plaintiff by virtue of the  
19 doctrine of respondeat superior in that Defendant, TIMOTHY ALLEN VANDYKE, was acting  
20 within the course and scope of his employment and/or agency for Defendants, at all relevant  
21 times material to the matter set forth in this action.

22 24. That Defendants POSTMATES are liable for the actions of their agent  
23 TIMOTHY ALLEN VANDYKE.

24 25. That the sole and proximate cause of the collision described above was the  
25 negligence and carelessness of Defendants, and each of them.

26 26. Additionally, Defendant, TIMOTHY ALLEN VANDYKE, failed to comply with  
27 the traffic laws of the State of Nevada as provided by the Nevada Revised Statutes, and that  
28 violation was the legal cause of Plaintiff's injuries and Plaintiff was a member of a class

1 designed to be protected by this statute. Therefore, Defendants are negligent per se for the rear-  
2 end collision under this law.

3 27. That as a direct and proximate result of the negligence, carelessness and  
4 recklessness of Defendants, and each of them, Plaintiff sustained serious injuries all or some of  
5 which conditions may be permanent or disabling in nature, causing general and special damages  
6 in an amount to be determined at trial, but which are in excess of \$15,000.

7 28. That as a further direct and proximate result of the negligence, carelessness and  
8 recklessness of Defendants, and each of them, Plaintiff incurred, and will incur in the future,  
9 medical expenses in an amount to be proven at the time of trial.

10 29. That as a further and direct proximate cause of the negligence of the Defendants,  
11 and each of them, Plaintiff has suffered and continue to suffer a significant deterioration in her  
12 enjoyment of life and lifestyle.

13 30. As a further direct and proximate result of the negligence, carelessness and  
14 recklessness of Defendants and each of them, Plaintiff has had to retain the services of an  
15 attorney to prosecute this action and are entitled to reasonable attorneys' fees and costs of suit  
16 incurred herein.

17 **SECOND CLAIM FOR RELIEF**

18 **NEGLIGENT HIRING/TRAINING/SUPERVISION/RETENTION**

19 **as to Defendants POSTMATES)**

20 31. Plaintiff re-alleges and incorporates by reference the allegations contained in all  
21 the preceding paragraphs of this Complaint as though fully set forth herein.

22 32. Defendants, POSTMATES, had a duty to exercise ordinary and reasonable care in  
23 screening, hiring, and supervising its employees, contractors, agents, servants, partners, and/or  
24 associates, including Defendant TIMOTHY ALLEN VANDYKE, to ensure the foregoing were  
25 qualified and suitable to perform their duties in a reasonable safe manner so as to protect others  
26 from unreasonable risk of harm.

27 33. Defendants, POSTMATES had a duty and are required to exercise due care in the  
28 hiring of its employees, contractors, agents, servants, partners, and/or associates so as to not

1 cause harm to the public during the scope and course of employment and/or agency.

2 34. Defendants, POSTMATES, are required to provide their employees, contractors,  
3 agents, servants, partners, and/or associates with proper supervision and training so as not to  
4 cause harm to the public during the course and scope of employment and/or agency.

5 35. Defendants, POSTMATES, breached their duty by failing to adequately hire, train  
6 and/or supervise TIMOTHY ALLEN VANDYKE, resulting in Defendant, TIMOTHY ALLEN  
7 VANDYKE's negligent operation of the vehicle, which caused the subject incident to occur.

8 36. The negligence, carelessness and recklessness of Defendants, POSTMATES, in  
9 its hiring, training, supervising, and retention of Defendant, TIMOTHY ALLEN VANDYKE,  
10 were the actual and proximate cause of Plaintiff's damages.

11 37. As a direct and proximate result of the aforementioned negligent acts of  
12 Defendants, POSTMATES, Plaintiff has suffered general and special damages in an amount in  
13 excess of \$15,000.

14 38. As a direct and proximate result of the negligence, carelessness and recklessness  
15 of Defendants, and each of them, Plaintiff suffered serious injuries all or some of which  
16 conditions are permanent and disabling in nature, causing general damage in an amount to be  
17 determined at trial, and in excess of \$15,000.

18 39. As a further direct and proximate result of the negligence, carelessness and  
19 recklessness of Defendants, and each of them, Plaintiff incurred, and will incur in the future,  
20 significant medical expenses in an amount to be proven at the time of trial, and in excess of  
21 \$15,000.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff, JOVANNI OSEGUERA, reserving his right to amend this  
24 Complaint at the time of trial to include all items of damaged not yet ascertained, demands  
25 judgment against Defendants and each of them as follows:

- 26 1. General damages in excess of Fifteen Thousand Dollars (\$15,000);  
27 2. Special damages for medical care and treatment costs incident thereto when the  
28 same has been fully ascertained; BUT UPON INFORMATION AND BELIEF ARE IN EXCESS

1 OF \$15,000;

2 3. For damages and costs of future medical care and treatment and costs incidental  
3 thereto, when the same have been fully ascertained;

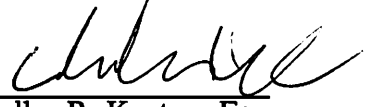
4 4. For prejudgment interest;

5 5. For reasonable attorney's fees;

6 6. For costs of suit herein;

7 7. For such other and further relief as the Court deems proper.

8  
9 Dated this 6th day of December 2021.


10  
11 By:   
12 Chandler R. Keeton, Esq.  
13 Nevada Bar No. 15940  
14 ANTHONY PAGLIA INJURY  
LAWYER, LTD  
5358 S. Eastern Ave  
Las Vegas, NV 89119

15 Attorneys for Plaintiff JOVANNI OSEGUERA

16  
17 **DEMAND FOR JURY TRIAL**

18  
19 Plaintiff, by and through his attorneys of record, ANTHONY PAGLIA INJURY  
20 LAWYER, hereby demands a jury trial of all of the above issues in the above matter.

21 Dated this 6th day of December 2021.

22  
23 By:   
24 Chandler R. Keeton, Esq.  
25 Nevada Bar. No. 15940  
26 ANTHONY PAGLIA INJURY  
LAWYER, LTD  
5358 S. Eastern Ave  
Las Vegas, NV 8911

27 Attorneys for Plaintiff JOVANNI  
28 OSEGUERA